

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DESEAN HILL,

Plaintiff,

-v-

9:18-CV-1203

ANNE M. MCGRATH, Associate
Commissioner, KATHLEEN GREY,
OMH Therapist; Great Meadow
Correctional Facility, and M.
BERNARD, Guidance Staff; Great
Meadow Correctional Facility, formerly
known as Jane Doe,

Defendants.

APPEARANCES:

OF COUNSEL:

DESEAN HILL
Plaintiff, Pro Se
14-A-0857
Collins Correctional Facility
Collins, NY 14034

HON. LETITIA JAMES
New York State Attorney General
Attorneys for Defendants
The Capitol
Albany, NY 12224

BRENDA T. BADDAM, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On October 9, 2018, *pro se* plaintiff Desean Hill (“plaintiff”), an inmate in the custody of the New York State Department of Corrections and Community Supervision (“DOCCS”), filed this 42 U.S.C. § 1983 action alleging violations of his constitutional rights at Great Meadow Correctional Facility (“Great Meadow C.F.”). Dkt. No. 1. Following an initial review and a motion to dismiss, the parties proceeded to discovery on plaintiff’s Eighth Amendment claims alleging that defendants failed to protect him from assaults by other inmates. *See* Dkt. Nos. 9, 43. Thereafter, defendants moved for summary judgment on plaintiff’s remaining claims. Dkt. No. 62.

On August 10, 2021, U.S. Magistrate Judge Thérèse Wiley Dancks advised by Report & Recommendation (“R&R”) that defendants’ motion for summary judgment be granted as to plaintiff’s claims against defendant McGrath. Dkt. No. 76. However, Judge Dancks recommended that defendants’ summary judgment motion be denied as to plaintiff’s Eighth Amendment failure-to-protect claims against defendants Bernard and Grey. *Id.*

Neither party has filed objections, and the time period in which to do so has expired.¹ Upon review for clear error, the R&R will be accepted and adopted in all respects. *See* FED R. CIV. P. 72(b).

¹ Plaintiff sought and received an extension of time in which to file objections. Dkt. No. 78. Plaintiff’s other request will be addressed separately in due course. Dkt. Nos. 79, 81.

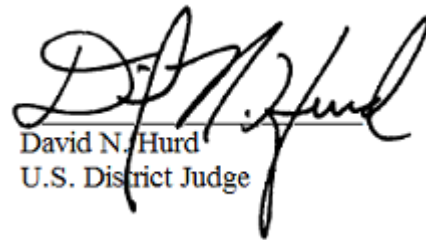
Therefore, it is

ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. Defendants' motion for summary judgment is GRANTED in part and DENIED in part;
3. Plaintiff's Eighth Amendment claims against defendant McGrath are DISMISSED;
4. Plaintiff's Eighth Amendment failure-to-protect claims against defendants Bernard and Grey remain for trial.

IT IS SO ORDERED.

Dated: September 17, 2021
Utica, New York.



David N. Hurd
U.S. District Judge